UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,564	01/16/2001	Toshiaki Iizuka	36409-00600	2894

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EXAMINER
PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	3

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/760,564	IIZUKA, TOSHIAKI
	Examiner	Art Unit
	Thomas K Pham	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-34* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☒ All   b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
             application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

First Action on the Merits

1.   Claims 1-34 of U.S. Application 09/760,564 filed on 01/16/2001 are presented for

examination.

Quotations of U.S. Code Title 35

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

6.   Claims 1-22, 24-28 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 5,325,393 ("Barrett") in view of U.S. Patent No. 5,694,618 ("Hibino").

Regarding claims 1, 8 and 15

Barrett teaches an information processing apparatus capable of acquiring various status

information of plural peripheral apparatus on a network (abstract), comprising: communication

means for executing a communication protocol for acquiring the status information (col. 2 lines

4-11, "for obtaining status information ... to the interactive network board"); designation means

for designating status information to be acquired for each of various phenomena (col. 3 lines 51-

63, "provides hardware and software ... to act as a peripheral server"); acquisition means for

acquiring the status information by said communication means from the supply source of the

status information designated by said designation means (col. 36 lines 14-20, "CPCONSOL is a

utility ... ongoing maintenance parameters"); link means for linking, by the unit of a

predetermined group, parameters respectively corresponding to the objects and memorized by

said memory means (col. 37 lines 26-32, "Selecting the Control menu ... in accordance with

Table 3"). Barrett does not specifically teach a memory for memorizing a parameter for

executing said communication protocol for each phenomenon that can be designated by said

designation means; alteration means for altering the value of the parameter memorized by said

memory means; and control means adapted, in case the value of the parameter is altered by said

alteration means, to alter the value of a parameter linked with the altered parameter according to

the content of such alteration. However, Hibino teaches a memory (ROM 8) for memorizing a

parameter for executing said communication protocol for each phenomenon that can be

designated by said designation means (col. 3 lines 26-28, "a ROM 8 storing ... a remote printer console"); alteration means for altering the value of the parameter memorized by said memory means (col. 4 lines 30-33, "The utility program ... or the mouse 6"); and control means adapted, in case the value of the parameter is altered by said alteration means, to alter the value of a parameter linked with the altered parameter according to the content of such alteration (col. 4 lines 63-67, "By operating the ... operating environment accordingly") for the purpose of changing a peripheral setting regardless of the communication interface with the peripherals is bi-directional or not. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Hibino with the system of Barrett because it would provide for the purpose of changing a peripheral setting regardless of the communication interface with the peripherals is bi-directional or not.

Regarding claims 2, 9, 16

Barrett teaches parameter includes a time-out time in said communication protocol and a settable range for said time-out time (col. 37 TABLE 3, "Timeout" parameter); and said control means is adapted to judge the load on said network based on the content of alteration by said alteration means and to increase or decrease the value of said time-out time or said settable range (col. 36 lines 25-36, "The CPCONSOL utility gives ... and under-run errors").

Regarding claims 3, 10, 17

Barrett teaches the linking by said link means is executed in the unit of a group based on the kind of the peripheral apparatus (col. 3 lines 51-63, "provides hardware and software ... to act as a peripheral server").

Regarding claims 4, 11, 18

Barrett teaches group includes a group of printers and/or a group of scanners and/or a group of

modems (col. 3 lines 51-63, "provides hardware and software ... to act as a peripheral server").

Regarding claims 5, 12, 19

Barrett teaches preferably the linking by the link means is executed in the unit of a group based

on the kind of connection between the self apparatus and the peripheral apparatus (fig. 1).

Regarding claims 6, 13, 20

Barrett teaches preferably the above-mentioned group includes a network connection group in

which the self apparatus and the peripheral apparatus are connected through the network (fig. 1),

and Hibino teaches a local connection group in which the self apparatus and the peripheral

apparatus are connected directly (fig. 1).

Regarding claims 7, 14, 21

Hibino teaches preferably the above-mentioned network connection group includes a first group

in which the peripheral apparatus is directly connected to the network (fig. 1), and Barrett

teaches a second group in which the peripheral apparatus is connected through a gateway device

to the through a gateway device to said network (fig. 1).

Regarding claim 22, 28 and 34

Barrett teaches an information processing apparatus comprising: communication means for

executing communication based on a predetermined protocol for transmitting, to a peripheral

apparatus on a network, request data for acquiring information held or generated by said

peripheral apparatus and for receiving response data to said request data (col. 2 lines 4-11, "for

obtaining status information ... to the interactive network board"); activation means for

designating a peripheral apparatus on said network and information to be acquired from said

peripheral apparatus, and activating communication by said communication means for acquiring

said designated information from said designated peripheral apparatus (col. 36 lines 14-27,

"CPCONSOL is a utility program ... of network communications"); parameter being a number

of retries of said request data or a time-out value for the reception of said response data (col. 37

TABLE 3, "Timeout" parameter). Barrett does not teach memory means for memorizing a

parameter in said communication protocol for each category; and control means for reading,

from said memory means, the parameter of a category according to the type of the peripheral

apparatus designated by said activation means or the information designated by said activation

means, and using such parameter in the communication activated by said activation means.

However, Hibino teaches memory (ROM 8) for memorizing a parameter in said communication

protocol for each category (col. 3 lines 26-28, "a ROM 8 storing ... a remote printer console");

and control means for reading, from said memory means, the parameter of a category according

to the type of the peripheral apparatus designated by said activation means or the information

designated by said activation means, and using such parameter in the communication activated

by said activation means (col. 4 lines 63-67, "By operating the ... operating environment

accordingly") for the purpose of changing a peripheral setting regardless of the communication

interface with the peripherals is bi-directional or not. Therefore, it would have been obvious to

one of ordinary skill in the art at the time of the invention to incorporate the system of Hibino

with the system of Barrett because it would provide for the purpose of changing a peripheral

setting regardless of the communication interface with the peripherals is bi-directional or not.

Regarding claims 24 and 30

Barrett teaches control means determines the category of the parameter to be read from said

memory (col. 37 lines 5-10, "The environment selection ... Control, and Quality"), based on the

kind of service which the peripheral apparatus provides to said information processing apparatus

(col. 5 lines 33-37, "Other peripheral server ... Line Printer Remote server ("LPR")").

Regarding claims 25 and 31

Barrett teaches control means determines the category of the parameter to be read from said

memory (col. 37 lines 5-10, "The environment selection ... Control, and Quality"), based on

whether the information designated by said activation means is image data or not (col. 8 lines 51-

68, "The Job Pipe subsystem ... separately from Job Pipe").

Regarding claims 26 and 32

Barrett teaches discrimination means for discriminating the attribute of the network to be used

for access to the peripheral apparatus designated by said activation means (col. 6 lines 38-56,

"To access the extended ... methodologies currently available"); wherein said control means

determines the category of the parameter to be read from said memory means, based on the result

of said discrimination (col. 36 lines 42-50, "By ongoing monitoring ... the print job itself").

Regarding claims 27 and 33

Barrett and Hibino teach discrimination means for discriminating the attribute of the network to

be used for access to the peripheral apparatus but do not teach whether a dial-up connection

channel is used for access to the peripheral apparatus. However, it would have been obvious to

one of ordinary skill in the art at the time of the invention that a dial-up connection channel is an

available option to access the peripheral apparatus to either communicate as a normal or as a

backup fail over connection method when the normal network is down.

7.   Claims 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett

in view of Hibino and further in view of U.S. Patent No. 6,289,371 ("Kumpf").

Regarding claims 23 and 29

Barrett and Hibino teach an information processing apparatus over a communication protocol but

do not specifically teach said communication protocol is HTTP. However, Kumpf teaches the

communication protocol is HTTP (col. 4 lines 1-16, "The general functionality ... is created by

the applet") for the purpose of using a web browser to support peripherals over a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the HTTP protocol of Kumpf with the systems of Barrett and Hibino

because it would provide for the purpose of using a web browser to support peripherals over a

network.

Conclusion

        Any inquiry concerning this communication or earlier communications from the examiner should
be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is
(703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact
Supervisor *Mr. Anthony Knight* at *(703) 308-3179*.
        Any response to this office action should be mailed to: **Director of Patents and
Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to
**Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th
floor)**, or fax to the **official fax number (703) 872- 9306.**
        Any inquiry of a general nature or relating to the status of this application should be directed to
the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

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May 15, 2004

Anthony Knight
Supervisory Patent Examiner
Group 3600